



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MRM
F. #2017R01349

*610 Federal Plaza
Central Islip, New York 11722*

May 5, 2020

By ECF and Email

The Honorable Arthur D. Spatt
Senior United States District Judge
United States District Court
Eastern District of New York
1020 Federal Plaza
Central Islip, New York 11722

Re: United States v. Daniel Mullan
Criminal No. 17-495 (ADS)

Dear Judge Spatt:

On January 10, 2020, during a status conference in the above-captioned matter, the Court granted an application by the defendant's counsel, Nancy L. Bartling, with the consent of the government, for a competency examination of the defendant. Following that status conference, on January 13, 2020, the Court issued an order directing that a competency examination of the defendant be conducted, pursuant to 18 U.S.C. § 4241(b), within sixty (60) days of the Court's order. However, due to multiple factors, including the outbreak of the COVID-19 pandemic and the defendant's medical needs requiring his transfer from Kingsbrook Hospital to the Gold Crest Care Center in the Bronx, New York, the competency examination of the defendant could not be completed as ordered.

Since the time that the parties were made aware that the competency exam could not be completed under the usual circumstances, the parties have conferred with each other, and the government has conferred with the United States Bureau of Prisons and the United States Marshals Service. At this time, in light of the defendant's physical condition and the COVID-19 pandemic, the only feasible means by which to complete a competency examination pursuant to 18 U.S.C. § 4241(b) is for the government to retain a private mental health practitioner to conduct the examination, in person, at Gold Crest Care Center. This past week, the government has been in contact with N.G. Berrill, a psychologist licensed to practice in the state of New York and elsewhere. Dr. Berrill has indicated that he would be able to conduct the competency examination of the defendant. The parties are in agreement

that, with the Court's permission, Dr. Berrill should conduct the competency examination of the defendant.

Accordingly, the government respectfully requests that the Court issue an order directing that Dr. Berrill be allowed to complete a competency examination of the defendant, Daniel Mullan, at the Gold Crest Care Center. The government has enclosed a proposed order with this letter.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/ Michael R. Maffei
Michael R. Maffei
Assistant U.S. Attorney
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Enclosure

Cc: Nancy L. Bartling, Esq. (via email and ECF w/o enclosure)
Clerk of the Court (ADS) (via ECF w/o enclosure)